

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:02CR3216
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
DAVID LEIGH MONTOYA,	)	
	)	
Defendant.	)	

IT IS ORDERED that:

(1) The hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 43) has been rescheduled before the undersigned United States district judge at 1:15 p.m., on December 6, 2005, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska;

(2) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;

(3) The Marshal is directed not to return the defendant to the district; and

(4) The defendant is held to have waived his right to be present.

November 21, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge